

## Student's iPhone Searched by School Principal

Police say a 14 year-old boy from the Berne Knox Westerlo School district was caught texting in class. The principal took his phone away. But while going through the phone, Apple said the principal found some pictures of the boy's 14 year-old girlfriend that were sexually explicit.

"Basically the long story short we got a 14 year-old girl and a 14 year-old boy. They were dating. During the course of dating, she forwarded a photograph to him," Apple said.

Apple said the principal contacted his office. But he's not sure a crime has been committed and where the case will go from here.

"We're still going through it. We're conferring with the DA's office trying to get a little direction here because of the nature of it." he said.

But whatever happens, the case will most likely continue. The boy's father has hired an attorney. Jeff Haas told Newschannel 13 he's not denying his son had the pictures. But he feels the principal had no right to go through his son's phone. He said the pictures were discovered in his son's e-mail account. He added that the principal had to dig into his son's phone to find them.

Newschannel 13 had two different lawyers weigh in. Loudonville Attorney Arnold Proskin said kids do have a right to privacy even on school grounds.

"If the kid gets caught with the cell phone. Take it away. Call the parents and say next time we're keeping this cell phone. They have a right to do that. But they don't have a right to say oh let's check and see what's in that cell phone," said Prokin.

However, Michael Macomber from Tully Rinckey said it's really a grey area, especially when it comes to technology. He says schools can take a look at a student's private information on a phone. But how far they can go is the question.

When I see you, I take the phone. I might be able to look and see what's the number you're calling. Maybe if you're doing text messages, look at a couple of text messages. But how much further? I don't know. I don't know how much further you can go and that becomes the question," Macomber said.